

Applicant: Timothy James Crossett
Serial No. 10/743,724
Response to Office Action mailed August 6, 2008

REMARKS

Claims 1-14 are pending in this application. Claims 1-14 have been rejected. In view of foregoing amendments and following remarks, the applicants request allowance of the application.

Claim Rejections under 35 U.S.C. §112

Claims 1, 2, 4 to 9, and 11 to 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim language including "may" and/or "optionally," the claims have been amended to eliminate these terms. Withdrawal of the rejection is therefore respectfully requested.

With regard to the claim language including "applying adjustments," it is respectfully submitted that a person of ordinary skill in the art, having the benefit of the detailed disclosure of the present invention, would understand the meaning of the term "applying adjustments". The specification lists several context-specific examples of what "applying adjustments" or "adjustments to accounting records" means. The specific adjustments made would be known to one of ordinary skill in the art, in context of the specific implementation and/or context of the accounting records that require adjustment. Applicants therefore respectfully request the rejection be withdrawn, and the claim be allowed as written.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 4, 5, 8, 9, 11, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Application No. 2002/0138387 ("Griffin"). For the following reasons, Griffin does not anticipate the present claims.

Claim 1, as amended, recites:

An automated method comprising:

- (a) **receiving input selecting a time period** for which adjustments to accounting records of a joint venture are to be applied, where the time period falls between **a present time** and a time of **an inception of the venture**, and includes some period of time prior to the present time;
- (b) receiving input selecting one or more types of accounting records to which the adjustments are to be applied, **where one type of the accounting records includes cash call accounting records**; and
- (c) based on input received, applying adjustments to the accounting records of the joint venture.

Griffin does not disclose or even suggest this subject matter. Claim 1, as originally presented, recited adjustments to **a time period** falling between the present time and inception. Griffin does not disclose this feature. Griffin, Fig. 3 (601) and para. 63 are asserted against feature "(a)" of claim 1. However, Griffin only relates to the **present** ownership proportions of a multiple-owner share fund. Additionally, Fig. 3 (601) adjusts the **present** ownership proportion, based on a **presently** occurring, single "realization event." If anything, Griffin deals with record adjustments for a time period after the "realization event" going forward.

Additionally, nowhere in Griffin is feature "(b)" "where one type of the accounting records includes cash call accounting records" found. Fig. 3 (650) and (652) are asserted against this feature. However, these steps deal only with "net asset value for each investor" and "value per share." Though the accompanying specification for these elements of Griffin makes it even clearer, even the general labels found in Fig. 3 make it clear that these have nothing to do with a "cash call accounting record," as recited in claim 1. For at least these reasons, claim 1 should be allowed.

Claims 2, 4, and 5 depend from claim 1 and should be allowed for at least the same reasons.

Additionally, claim 2 should be allowed because Griffin does not disclose any of the several features recited in claim 2. For example, Griffin says nothing about "creating **reversing accounting records** to reverse existing accounting records in a ledger of the joint venture according to a previous equity share assignment." The parts of Griffin that deal with "total fund information" are cited against this feature (e.g., Fig. 2 (505) and (507), Fig. 4 (120) and para. 68). Paragraph 68 outlines an example of how Griffin functions by illustrating a table with several points in time for the operating method. First, this is an example illustration to help the reader understand the method of Griffin, and nowhere does Griffin disclose, suggest, or

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remotely imply that historic time periods are created or maintained for any reason, let alone "to reverse existing accounting records in a ledger." Second, even if Griffin did imply this (which it does not), the table referenced in paragraph 68 has nothing to do with "creating reversing accounting records," as claimed in claim 2. For at least this additional reason claim 2 should be allowed.

Likewise, since Griffin makes no mention of "creating reversing cash call accounting records" nor of cash calls in general, claims 4 and 5 should be allowed for those additional reasons.

Claim 8, as amended, recites:

A machine-readable medium storing computer-executable instructions to implement a process comprising:

(a) **receiving input selecting a time period** for which adjustments to accounting records of a joint venture are to be applied, where the time period falls between **a present time** and a time of **an inception of the venture**, and includes some period of time prior to the present time;

(b) receiving input selecting one or more types of accounting records to which the adjustments are to be applied, **where one type of the accounting records includes cash call accounting records**; and

(c) based on input received, applying adjustments to the accounting records of the joint venture.

Griffin does not disclose or even suggest this subject matter. For reasons substantially similar to those argued with respect to claim 1, claim 8 is also be allowable.

Claims 9, 11, and 12 depend from claim 8 and should be allowed for at least the same reasons.

Claim Rejections under 35 U.S.C. §103

Claims 3, 6, 7, 10, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Application No. 2002/0138387 ("Griffin"), in view of U.S. Patent Application No. 2007/0179872 ("Macalka"). For the following reasons, it is respectfully submitted that Griffin in view of Macalka does not render the present claims unpatentable.

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Macalka was asserted for disclosing "an inter-company partnership." However, aside from Macalka's use of the term "inter-company partnership" the reference does not pertain to the specific features found in the above listed claims. For example, claim 3 recites "creating, in an inter-company ledger of the joint venture, accounting records corresponding to the accounting records created in (i), with amounts in proportions according to the previous equity share assignment." Whereas Macalka recites at paragraph 4: "performing inter-company eliminations (i.e., elimination of activities between two subsidiaries of the same business entity)." Macalka deals with the reconciliation of a single company's accounts, whereas claim 3 deals with a novel manner of representing joint venture accounting records. Even if Macalka's use of "inter-company" was related to the present claims, the combination of Macalka and Griffin would still not disclose every feature of claim 3. Macalka is clearly directed toward a single "business entity" and not a joint venture. Additionally, Griffin is directed toward a mutual fund, which is not a joint venture. Thus, the combination of the two fails to disclose anything related to a joint venture, let alone "creating, in the inter-company ledger of the joint venture, accounting records corresponding to the accounting records created in (ii), with amounts in proportions according to the new equity share assignment." For at least these reasons, claims 3, 6, 7, 10, 13, and 14 should be allowable, as they all claim specific features related to "inter-company" joint venture accounting.

Additionally, claims 3, 6, 7, 10, 13, and 14 depend from one of claims 1 and 8. Since Macalka does not cure the deficiencies argued with respect to claims 1 and 8, the dependent claims should be allowed for at least the same reasons.

CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

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Respectfully submitted,

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